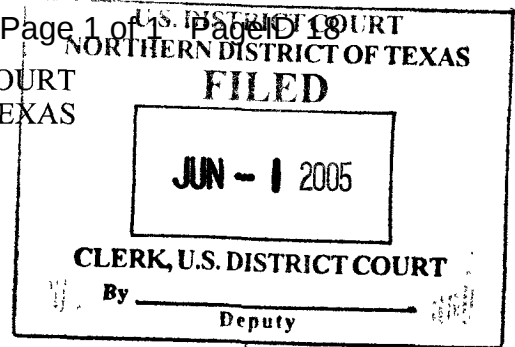


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JIMMY MURRELL OWEN,

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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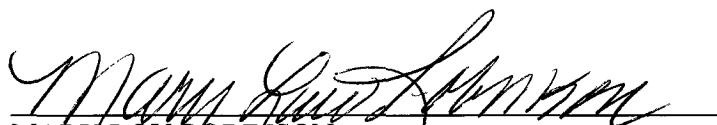
ORDER ADOPTING REPORT AND RECOMMENDATION and
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Came this day for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner. On May 13, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application for a writ of habeas corpus be dismissed for failure to pay the filing fee or, alternatively, for failure to exhaust state court remedies. On May 17, 2005, petitioner paid the requisite filing fee in this case. As of this date, however, petitioner has not filed objections to the alternative recommendation that petitioner's habeas application be dismissed for failure to exhaust state court remedies.

The undersigned United States District Judge has made an independent examination of the record in this case. The alternative recommendation in the Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DISMISSED for failure to exhaust state court remedies. Let judgment be entered accordingly.

IT IS SO ORDERED.

ENTERED this 15TH day of June 2005.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE